

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1551.00
COMPLAINT INVESTIGATOR: Karyn Romer
DATE OF COMPLAINT: March 29, 2000
DATE OF REPORT: April 24, 2000
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: May 24, 2000

COMPLAINT ISSUE:

Whether the Metropolitan School District of Warren Township violated:

- 511 IAC 7-10-3 with regard to the school's alleged failure to conduct an educational evaluation and convene the case conference committee within forty instructional days of the date of written parental consent.

FINDINGS OF FACT:

1. The student (the "Student") is seventeen years old and is currently in general education classes at the school (the "School").
2. The guardian of the Student signed the *Consent for Evaluation* (the "*Consent Form*") on December 23, 1999, which was during the winter holiday break. The school counselor (the "Counselor") did not receive the *Consent Form* from the Guardian until January 12, 2000 and hand-wrote the received date on the *Consent Form*. The delay was due to insufficient postage on the envelope. Based on the date the *Consent Form* was received by the Counselor, the forty instructional days timeline elapsed on March 13, 2000, which includes two holidays and one staff development day when the schools were closed.
3. The Counselor kept the *Consent Form* on her desk because she was waiting for the completed paperwork from the teachers and mental health counselor. The special education office (the "Special Education Office") did not receive the completed referral from the School until February 23, 2000. The forty days were calculated by the Special Education Office to be April 21, 2000.
4. The Student was evaluated on March 30, 2000. A case conference committee meeting was scheduled to convene on April 21, 2000.

CONCLUSION:

1. Finding of Fact #2 indicates that the School received the signed *Consent Form* on January 12, 2000 and that the evaluation should have been completed and a case conference committee meeting convened by March 13, 2000. Finding of Fact #3 indicates that there was an internal delay in sending the *Consent Form* and completed referral information to the Special Education Office. Finding of Fact #4 indicates that the evaluation was completed on March 30, 2000 and that a case conference committee meeting will convene on April 21, 2000. Therefore, a violation of 511 IAC 7-

10-3 occurred.

The Department of Education, Division of Special Education requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

1. In-service all appropriate general education and special education staff regarding the procedures for initiating an educational evaluation for special education services in accordance with 511 IAC 7-10-3. The in-service must include procedures for initiation of an educational evaluation by parent request and prevention of delays. Documentation that the in-service training has been completed must be submitted to the Division by May 19, 2000 and must include the following: a list or agenda of all issues discussed, copies of any handouts that were distributed, and a list of attendees by name and title.
2. No later than May 5, 2000, submit a copy of the CCC Report and IEP (if applicable) resulting from the CCC meeting which convened to determine the student's eligibility for special education services.

If the CCC determines the Student is eligible to receive special education services, the CCC must reconvene to determine the need for compensatory educational services as a result of the six-week delay in determining eligibility. A copy of the CCC Report and IEP (if applicable) from this meeting shall be submitted to the Division by May 26, 2000.

3. Develop a "tracking system" between the local school buildings and the Special Education Office for the initiation of referrals for evaluation to ensure that a time delay does not occur between the local school building and the Special Education Office. Documentation of compliance must be submitted to the Division by May 19, 2000.